

## COUNTY OF FAIRFAX, VIRGINIA

### SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

NGUYEN, THANH-TAM THI, SP 2013-MA-106 Appl. under Sect(s). 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 3221 Patrick Henry Dr., Falls Church, 22044, on approx. 13,543 sq. ft. of land zoned R-3. Mason District. Tax Map 61-1 ((7)) 66A. Mr. Hart moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on March 12, 2014; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. The Board has a staff recommendation of approval and adopts the rationale in the staff report.
3. Unlike some others the Board has seen, this is a site where the application works a little better.
4. There will not be any significant negative impact on anyone.
5. The applicant is in agreement with the development conditions proposed by staff.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This approval is granted to the applicant only, Thanh-Tam Thi Nguyen, and is not transferable without further action of the Board, and is for the location indicated on the application, 3221 Patrick Henry Drive, and is not transferable to other land.
2. This special permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the plat titled "Plat Showing House Location on the Property Located at 3221 Patrick Henry Drive," prepared by Frederic W. Krebs, P.E., dated September 23, 2013 and approved with this application, as qualified by these development conditions.

3. A copy of this special permit **SHALL BE POSTED IN A CONSPICUOUS PLACE ON THE PROPERTY** of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The maximum hours of operation of the home child care facility shall be limited to 8:00 a.m. to 6:00 p.m., Monday through Friday.
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. The maximum number of children on site at any one time shall be twelve, excluding the applicant's own children.
7. Pick-up and drop-off of children shall take place in the driveway.
8. A minimum of five parking spaces shall be provided on the subject parcel, within areas of existing paving and gravel.
9. There shall be no signage associated with the home child care facility.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation of why additional time is required.

Mr. Byers seconded the motion, which carried by a vote of 5-0. Mr. Hammack was not present for the vote. Mr. Beard was absent from the meeting.

A Copy Teste:



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Kathleen A. Knoth  
Clerk to the Board of Zoning Appeals